

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
Asheville Division

FILED
ASHEVILLE, N. C.

SEP - 8 2005

U.S. DISTRICT COURT
W. DIST. OF N. C.

No. 1:04 CvD 166

CONNECTICUT GENERAL LIFE
INSURANCE COMPANY,

Plaintiff,

vs.

ROSALENA WOOTEN MERRIAM,
CLARENCE DEROSIER, and WALTER
SURETHING,

Defendants.

CONSENT JUDGMENT

THIS MATTER coming on before the Honorable Lacy H. Thornburg for trial during September 12, 2005 civil session of United States District Court for the Western District of North Carolina, Asheville Division, and the Court having been advised that the parties have resolved all matters in dispute and it appearing to the Court as follows:

1. The parties agree and consent that the Court has subject matter jurisdiction over this action and personal jurisdiction over the parties hereto and that this matter is otherwise properly before the Court;
2. That this matter involves a dispute between these parties as set out in the pleadings and amended pleadings on file in this action, and that the parties have reached an agreement as to all matters in controversy on the terms set out in the mandate of this Consent Judgment; and
3. That the parties have authorized their respective counsel to consent to the terms set forth herein.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED by consent of the parties as follows:

1. That a payment to Shuler Funeral Home, Inc. in the total amount of \$6,475.10 shall be made by the Office of the Clerk of Court, Western District of North Carolina, Asheville Division, from the proceeds of the Basic Policy and GUL Policy, on deposit with the Court, payable to "Shuler Funeral Home, Inc., P.O. Box 686, Hendersonville, NC, 28793;"

2. That a payment to Defendants DeRosier and Surething in the total amount of \$75,000.00 be made by the Office of the Clerk of Court, Western District of North Carolina, Asheville Division, from the proceeds of the Basic Policy and GUL Policy, on deposit with the Court, payable to "Stone and Christy Trust Account, 110 N. Dougherty St, Black Mountain, NC 28711;"


3. That all of the remaining proceeds of the Basic Policy and GUL Policy, on deposit with the Court, be paid to Defendant Merriam by the Office of the Clerk of Court, Western District of North Carolina, Asheville Division, and made payable to "Rosalena Merriam and Adams, Hendon, Carson, Crow and Saenger, P.A., P.O. Box 2714, Asheville, NC 28802;"

4. Each party shall bear its own costs in the prosecution and defense of this action, including but not limited to each party paying its own attorneys fees.

5. That this Consent Judgment constitutes a complete release of all claims by Defendants DeRosier and Surething against Defendant Merriam and all claims by Defendant Merriam against Defendants DeRosier and Surething.

6. This Consent Judgment is the final judgment in this matter, all matters in dispute having been resolved.

This the 7th day of September, 2005.


Lacy H. Thornburg
United States District Court Judge

CONSENTED AND AGREED TO:

STONE & CHRISTY, P.A.

By: Walton Davis
R. Walton Davis, III
Attorney for Defendants DeRosier and
Surething

ADAMS HENDON CARSON
CROW & SAENGER, P.A.

By: George W. Saenger
George W. Saenger
Attorney for Defendant Rosalena
Merriam